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DOC #:

DATE FILED: 2-26-08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ALBERTO PAULINO,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.  
-----X

:  
: 07 Civ. 7223 (VM)

: CONDITIONAL

: ORDER OF DISCONTINUANCE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated February 26, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED,** that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court scheduled in this action are cancelled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
26 February 2008

A handwritten signature in black ink, appearing to read 'V. Marrero', is written over a horizontal line.

VICTOR MARRERO  
U.S.D.J.

**Sobel, Ross, Fliegel & Suss, LLP**

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February 26, 2008

**VIA FACSIMILE (212) 805-6382**

Honorable Victor Marrero  
U.S. District Judge  
Southern District of New York  
500 Pearl Street, Suite 660  
New York, New York 10007

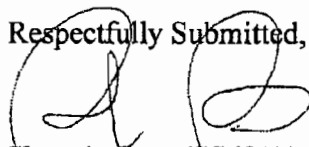
Re: Alberto Paulino v. The City of New York, et al.  
07 Civ. 7223 (VM)  
D/A: August 11, 2006

Dear Honorable Marrero:

This office represents the Plaintiff in the above matter. I am reporting back to the Court pursuant to the Pre-trial Conference held on February 15, 2008. I am happy to report that the Plaintiff has agreed to settle the case in the sum of \$6,500.00.

I have advised Defense Counsel of the settlement. He is in the process of forwarding to me required paperwork to effectuate the settlement.

Respectfully Submitted,



Sherwin Suss (SS6017)  
SOBEL, ROSS, FLIEGEL & SUSS, LLP  
Attorney for Plaintiff

SAS/lzd

cc:

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